

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF NEW YORK

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FIVE STAR BANK,

Plaintiff,

-vs-

KATHERINE MOTT-FORMICOLA,  
ROBERT HARRIS, KRM EVENTS LLC,  
KATHERINE'S ON MONROE LLC, THE  
DIVINITY ESTATE AND CHAPEL LLC,  
KNC ELEGANCE LLC d/b/a THE  
WINTERGARDEN BY MONROES,  
11 WEXFORD GLEN LLC, RCC MONROES  
LLC, NAF REMODELING, LLC, MONROES  
AT RIDGEMONT LLC, CRESCENT BEACH  
AT THE LAKE LLC, MOTT MANAGEMENT  
LLC, KRISTINA BOURNE, TAYLOR  
PAGANO, TIMOTHY LAROCCA,

No. 24-cv-6153-FPG

Defendants.

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**NOTICE OF MOTION**

MOTION BY:

Rothenberg Law  
Attorneys for Defendant Mott-Formicola  
and all Entity Defendants

DATE, TIME & PLACE:

A Motion Term of this Court to be held on a  
date, time, and place to be set by the Court in  
the United States Courthouse, 100 State Street,  
Rochester, NY 14614.

SUPPORTING PAPERS:

Declaration of David Rothenberg, Esq., dated  
June 14, 2024, plaintiff's amended complaint  
(ECF No. 51), and all prior pleadings and  
proceedings had herein.

RELIEF REQUESTED:

An order as follows:

A) Dismissing plaintiff's second and eighth  
claims pursuant to Rule 12(b)(6) of the  
Federal Rules of Civil Procedure, for failure  
to state a claim;

- B) Dismissing plaintiff's first, third, fourth, fifth, sixth, and seventh causes of action, pursuant to Rule 12(b)(1) of the Federal Rules of Civil Procedure for lack of subject matter jurisdiction; and
- C) Granting defendants such other and further relief as to the Court seems just, proper, and equitable.

**ORAL ARGUMENT  
IS REQUESTED.**

Dated: June 14, 2024  
Rochester, NY

*s/ David Rothenberg*  
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